



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

J. Larry Summers, et al.

Serial No.:

09/515,338

Filing Date:

February 29, 2000

Confirmation No.

1918

Group Art Unit:

2642

Examiner:

Bing Q. Bui

Title:

*Internet-Enabled Conferencing System and
Method Accommodating PSTN and IP Traffic***RECEIVED**

NOV 28 2003

Technology Center 2600

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Declaration Pursuant To 37 C.F.R. § 1.131

I, the undersigned, hereby declare and state that:

1. I am over the age of 21 years, of sound mind, and competent in all respects to make this Declaration.

2. I am an inventor of the subject matter of the above-referenced Application, entitled *Internet-Enabled Conferencing System and Method Accommodating PSTN and IP Traffic*, filed February 29, 2000.

3. The Examiner rejected Claims 1-22 (the "Claims") of the Application in an Office Action mailed July 17, 2003, based in whole or in part on U.S. Patent No. 6,275,575, entitled *Method and System for Coordinating and Initiating Cross-Platform Telephone Conferences*, filed January 12, 2000.

4. Sometime prior to January 12, 2000, I, along with the other listed inventors, developed an understanding and appreciation of the subject matter of at least the Claims and developed one or more working versions of the subject matter of at least the Claims as evidenced by the attached Exhibits, which are described below.

5. As an example, eMeeting.net won a Voice on the Net (VON) show award on or about April 14, 1999, as evidenced by an excerpt from the Pulver Report published May 6, 1999 and attached as Exhibit A (*See Page 4*). Specifically, eMeeting.net won the Spring '99 Cool Apps Award for Public Network Enhanced Services Applications. This award establishes that a working version of at least the Claims existed at least on or about April 14, 1999.

6. Additionally, I contributed to a White Paper entitled "*eMeeting and Associated Technology*," attached as Exhibit B, which describes one or more working versions of the Claims. The date of the White Paper, which has been redacted for privacy reasons, is prior to January 12, 2000. Furthermore, a copy of a certificate evidencing that eMeeting.net won the VON Spring '99 Cool Apps Award is included in the White Paper (*See Page 8*).

7. As another example, sometime prior to January 12, 2000, an eMeeting.net Product Definition, attached as Exhibit C, was prepared, which describes at least certain of the subject matter of the Claims and states that eMeeting.net was fully functional and handling traffic for alpha test customers at least as of the date of the Product Definition.

8. As another example, sometime prior to January 12, 2000, an eMeeting.net Phase 2 Database document, attached as Exhibit D, was prepared, which describes data access capabilities of the system.

9. As another example, sometime prior to January 12, 2000, an eMeeting.net Tutorial slide presentation, bearing a copyright date of 1999 and attached as Exhibit E, was prepared. The Tutorial includes descriptions and screenshots, which establish that one or more working versions of the Claims existed as of the date of the Tutorial.

10. The acts referred to in paragraphs 4-9 were carried out in the United States.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Further, I declare that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

ATTORNEY DOCKET NO.
067575.0104

PATENT APPLICATION
09/515,338

4

Signed this 12th day of November, 2003.

A handwritten signature in black ink, appearing to read 'J. Larry Summers', is written over a horizontal line.

J. Larry Summers

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067575.0104

PATENT APPLICATION
09/515,338

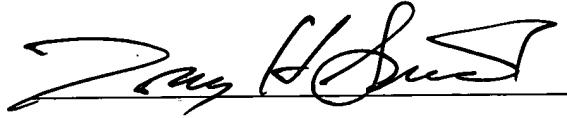
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Signed this 12th day of November, 2003.

A handwritten signature in black ink, reading "Paul D. Harmon". The signature is written in a cursive style with a horizontal line underneath the name.

Paul D. Harmon

Signed this 12th day of November, 2003.

A handwritten signature in black ink, appearing to read "Trey H. Smith", written over a horizontal line.

Trey H. Smith